

REMARKS

I. The Rejection of Claims 1-18 and 21-26

Claims 1-18 and 21-26 are pending in this application, of which claims 1, 10, 18 and 23 are independent. All the pending claims have been rejected under 35 U.S.C. §103(a) as being unpatentable over Seidl in view of Yamada et al. This rejection is respectfully traversed.

Applicants submit that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention under 35 U.S.C. §103 for lack of the requisite factual basis. To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Seidl and Yamada, either individually or in combination, do not disclose or suggest the claimed invention.

Claim 1

The Examiner asserted that the applied combination of Seidl and Yamada et al. teaches an image processor including all the limitations recited in independent claim 1. Seidl, a newly cited reference in this Office Action, relates to an object-oriented curve manipulation system to enable direct manipulation of 3D curve images on a computer display. A 3D virtual box encloses a selected image, and by manipulating the box, the image can be moved, rotated, and scaled up and down.

Applicants submit that Seidl does not teach, among other things, the claimed “image synthesizer which generates a scale image, representing a substantially real size, at a position specified on the image presented on the display in accordance with three dimensional positional information of the object and for combining the scale image with the image of the object,” as recited in claim 1.

Seidl does not teach the “scale image” of the claimed invention. The Examiner asserted that bounding box 401 of Seidl corresponds to the scale image “representing a substantially real size,” as claimed. However, bounding box 401 is used to manipulate an object as described in column 6, lines 22-51 of Seidl (cited by the Examiner), and does not represent “a substantially real size,” as admitted by the Examiner.

In addition, Seidl does not teach generating the scale image “at a position specified on the image,” recited in claim 1. According to Seidl, bounding box 401 appears on a display to enclose an object when the object is selected. Thus, the reference does not teach specifying a position on an image (object).

Moreover, bounding box 401 is not an image to be combined with an object. Since bounding box 401 is used for manipulation of an object, the box should be considered as an image-processing tool, not an image to be combined with another image.

The secondary reference, Yamada et al., fails to disclose the use of three-dimensional positional information of the object or combining the scale image with the image of the object, as admitted by the Examiner in the Office Action dated September 9, 2005. In the present Office Action, the Examiner simply asserted that Yamada et al. teaches generating a scale image representing a substantially real size. The Examiner did not provide any comments on whether the reference teaches the use of three-dimensional positional information of the object or combining the scale image with the image of the object. Thus, Yamada et al. does not cure the deficiencies of Seidl.

Accordingly, Seidl and Yamada et al., either individually or in combination, do not teach an image synthesizer including all the limitations recited in independent claim 1.

Claim 10

The Examiner asserted that claim 10 has been rejected based upon similar rational to the rejection of claim 1. In response, Applicants stress that claim 10 is patentable over Seidl and Yamada et al. at least because the Examiner's rational of rejecting claim 1 is not factually viable.

In more detail, the applied combination does not teach, among other things, combining "respective images of multiple objects together in accordance with three-dimensional positional information of the objects..." as claimed, for the reasons set forth above with respect to the rejection of claim 1.

Accordingly, Seidl and Yamada et al., either individually or in combination, do not teach an image synthesizer including all the limitations recited in independent claim 10.

Claim 18

The Examiner asserted that Yamada et al. teaches generating an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information, as claimed, based on the following paragraphs (column 25, line 67 to column 26, line 4; and column 28, line 66 to column 29 line 6, respectively).

FIGS. 16 and 17 are diagrams for explaining a method of calculating a scale factor (magnification) in a size display system for an electronic camera according to the present invention. FIG. 16 shows the relationship between an object to be photographed and an image sensing system.

Also, when information indicating the image at a smaller scale factor of 0.5 than that of the presently reproduced image, the CPU 420 controls the signal processing circuit 413 to perform the electronic zooming operation so that the screen and hence the image is reduced to 0.5 time the full-size while displaying the new scale factor.

It is apparent that the above portion does not teach (1) utilizing a three-dimensional image/object, and (2) scaling the image representing the object substantially in its real size up or down in accordance with three-dimensional positional information. Rather, the Examiner's cited portions describe zooming in and out an object to be captured, and scaling up and down of a captured image. The reference does not teach that the object to be captured and the captured image represent an object on a screen in its real size. Thus, an image to be generated by the claimed image synthesizer is different from what is disclosed in Yamada et al.

Moreover, Seidl is silent on generation of an image, representing the object substantially in its real size when presented on the display, by scaling the image up or down in accordance with three-dimensional positional information, as claimed.

Therefore, Seidl and Yamada et al., either individually or in combination, do not teach an image synthesizer including all the limitations recited in claim 18.

Claim 23

The Examiner asserted that claim 23 has been rejected based upon similar rational as claim 1. In response, Applicants submit that claim 23 is patentable over Seidl and Yamada et al. at least because the Examiner's rational of rejecting claim 1 is not factually viable.

In addition, the Examiner asserted that Yamada et al. discloses a number of images and discloses calculating a scale in which objects are under in-focus condition. However, the Examiner's comments do not cure the deficiencies of Yamada. As discussed above, Yamada et al. does not teach utilizing three-dimensional positional information to combine images of multiple objects together, as claimed.

Moreover, since Yamada does not teach the use of a three-dimensional positional information, it does not teach combining images so that "alignment points specified at the

respective images coincide with each other in three-dimensional position and in such a manner as to meet a desired size relationship three-dimensionally,” as recited in claim 23. Seidl does not teach this limitation.

Therefore, Seidl and Yamada et al., either individually or in combination, do not teach an image synthesizer including all the limitations recited in independent claim 23.

Dependent Claims 2-9, 11-17, 21, 22 and 24-26

The dependent claims are patentably distinguishable over the cited references at least because they respectively include all the limitations recited in independent claims 1, 10 and 23.

Claims 1-18 and 21-26 are patentable

Based upon the foregoing, Applicants submit that the Examiner has not established a *prima facie* basis to deny patentability to the claimed invention. Applicants, therefore, submit that the imposed rejection of claims 1-18 and 21-26 under 35 U.S.C. §103 for obviousness predicated upon Seidl and Yamada is not factually or legally viable and, hence, respectfully solicit withdrawal thereof.

II. Conclusion

It should, therefore, be apparent that the imposed rejections have been overcome and that all pending claims are in condition for immediate allowance. Favorable consideration is, therefore, respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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